

**CITY DEVELOPMENT BOARD[263]**

**Adopted and Filed**

**Rule making related to waivers**

The City Development Board hereby amends Chapter 6, “Waiver and Variance Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 368.10.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

*Purpose and Summary*

2020 Iowa Acts, House File 2389, amended Iowa Code section 17A.9A to remove references to “variances” and change how agencies report on rule waivers that are granted or denied. The amendments to Chapter 6 update the rules to conform to the changes implemented by House File 2389.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 19, 2021, as **ARC 5620C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on July 14, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 263—Chapter 6.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on September 15, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend **263—Chapter 6**, title, as follows:

~~WAIVER AND VARIANCE RULES~~

ITEM 2. Amend rule 263—6.1(17A) as follows:

**263—6.1(17A) Definition.** For purposes of this chapter, “a waiver ~~or variance~~” means action by the board which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person or entity on the basis of the particular circumstances of that person or entity. ~~For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”~~

ITEM 3. Amend rule 263—6.4(17A), catchwords, as follows:

**263—6.4(17A) Criteria for waiver ~~or variance~~.**

ITEM 4. Amend rule 263—6.8(17A) as follows:

**263—6.8(17A) Notice.** The board shall acknowledge a petition upon receipt. The board shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the board may give notice to other persons. To accomplish this notice provision, the board may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law or who may be impacted by the requested waiver and provide a written statement to the board attesting that notice has been provided.

ITEM 5. Rescind rule 263—6.11(17A) and adopt the following new rule in lieu thereof:

**263—6.11(17A) Submission of waiver information.** Within 60 days of granting or denying a waiver, the board shall make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify the rule(s) for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the board’s actions on waiver requests. If practicable, the report shall detail the extent to which granting a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

ITEM 6. Rescind rule **263—6.12(17A)**.

ITEM 7. Renumber rules **263—6.13(17A)** to **263—6.16(17A)** as **263—6.12(17A)** to **263—6.15(17A)**.

[Filed 7/19/21, effective 9/15/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/21.